

SUMMARY REPORT OF INVESTIGATION¹

Date/Time/Location of Incident:	July 28, 2016/12:45PM/[REDACTED]
Date/Time of COPA Notification:	August 1, 2016/5:33PM
Involved Officer #1:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 2011, Police Officer, [REDACTED] District, Date of Birth: [REDACTED] 1972, Male, Black.
Involved Officer #2:	[REDACTED], Star # [REDACTED], Employee ID # [REDACTED], Date of Appointment: [REDACTED] 2010, Police Officer, Unit [REDACTED], Date of Birth: [REDACTED] 1984, Male, Black.
Involved Individual #1:	[REDACTED], Date of Birth: [REDACTED] 1988, Male, Black.
Case Type:	Excessive Force.

I. ALLEGATIONS

Officer	Allegation	Finding
Officer [REDACTED]	1. Physically maltreated Mr. [REDACTED] by tripping him face down to the ground without justification.	Not Sustained
	2. Directed profanity toward Mr. [REDACTED].	Not Sustained
	3. Falsely arrested Mr. [REDACTED] for possession of a controlled substance.	Not Sustained
	4. Denied Mr. [REDACTED] medical attention.	Not Sustained
	5. Fabricated the traffic stop of Mr. [REDACTED]	Not Sustained

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced the Independent Police Review Authority (IPRA) as the civilian oversight agency of the Chicago Police Department. Therefore, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendation(s) set forth herein are the recommendation(s) of COPA.

II. SUMMARY OF EVIDENCE²

On July 28, 2016, [REDACTED] was arrested for Possession of a Controlled Substance and issued a citation for Failure to Stop. It was later learned that Mr. [REDACTED] had an Active Investigative Alert for Domestic Battery, which he was consequently charged with. There is significant dispute between Mr. [REDACTED] and the arresting officers' description of how their interaction began. In their police reports and statements to COPA, the officers report that the interaction began as a traffic stop that Mr. [REDACTED] fled from, first via vehicle and then on foot. Mr. [REDACTED] admitted that he fled on foot from police, including jumping several fences/gates during his attempt to avoid capture. However, Mr. [REDACTED] denied that the encounter began as a traffic stop, but instead began when officers observed him in a backyard. Officer [REDACTED] reportedly observed Mr. [REDACTED] throw a clear white baggie from his person (suspect cocaine). Mr. [REDACTED] denied that he had any drugs. Both Mr. [REDACTED] and Officer [REDACTED] agree that Mr. [REDACTED] was apprehended while hiding in bushes. Mr. [REDACTED] alleges that he was injured during his arrest when Officer [REDACTED] tripped and caused him to fall to the ground. Officer [REDACTED] denied the allegation and further denied that he used any force when he arrested Mr. [REDACTED]. Likewise, Mr. [REDACTED] reported that he was denied his request for medical treatment numerous times, but both arresting officers denied hearing him request medical treatment.

COPA reviewed all relevant reports including arrest, case, supplementary, inventory, event, Evidence Technician photos and In-Car Camera footage and obtained statements from both Officers [REDACTED] and [REDACTED]. The [REDACTED] District was not assigned Body Worn Cameras at the time of this incident.

III. LEGAL STANDARD

For each Allegation COPA must make one of the following findings:

1. Sustained - where it is determined the allegation is supported by a preponderance of the evidence;
2. Not Sustained - where it is determined there is insufficient evidence to prove the allegations by a preponderance of the evidence;
3. Unfounded - where it is determined by clear and convincing evidence that an allegation is false or not factual; or
4. Exonerated - where it is determined by clear and convincing evidence that the conduct described in the allegation occurred, but it is lawful and proper.

²COPA conducted a full and complete investigation of this matter, including the interview of all pertinent civilian and officer witnesses, and the collection and review of digital, documentary, and forensic evidence. As part of COPA's ongoing efforts to increase case closure capacity, certain cases opened under IPRA are summarized more succinctly in a Modified Summary Report of Investigation, pursuant to COPA Guideline Modified Summary Report of Investigation Template and Approvals, effective February 13, 2019.

A **preponderance of evidence** can be described as evidence indicating that it is **more likely than not** that the conduct occurred and violated Department policy. *See Avery v. State Farm Mutual Automobile Insurance Co.*, 216 Ill. 2d 100, 191 (2005), (a proposition is proved by a preponderance of the evidence when it has found to be more probably true than not). If the evidence gathered in an investigation establishes that it is more likely that the misconduct occurred, even if by a narrow margin, then the preponderance of the evidence standard is met.

Clear and convincing evidence is a higher standard than a preponderance of the evidence but lower than the "beyond-a-reasonable doubt" standard required to convict a person of a criminal offense. See *e.g., People v. Coan*, 2016 IL App (2d) 151036 (2016). Clear and Convincing can be defined as a "degree of proof, which, considering all the evidence in the case, produces the firm and abiding belief that it is highly probable that the proposition . . . is true." *Id.* at ¶ 28.

IV. ANALYSIS AND CONCLUSION

COPA finds **Allegations #1-5** are **NOT SUSTAINED**. Due to the significant discrepancies between Mr. [REDACTED] and the officers' description of the incident, and the lack of supporting evidence, there is not enough convincing evidence to determine what happened during Mr. [REDACTED]'s apprehension and arrest. Additionally, even though E.T. photos document injuries on Mr. [REDACTED]'s stomach, the cause of those injuries remains unknown. By his own description, he jumped over several fences while fleeing on foot; additionally, he did not complain of injuries until several days after his arrest.

Approved: [REDACTED]

Deputy Chief Administrator – Chief Investigator

Date 4-26-19

Appendix A

Assigned Investigative Staff

Squad#:

Investigator:

Supervising Investigator:

Deputy Chief Administrator:

[REDACTED]
[REDACTED], # [REDACTED]
[REDACTED]
[REDACTED]

